



General Assembly

January Session, 2005

Raised Bill No. 6570

LCO No. 2751

02751_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) (1) At least once every ten years, the commission shall prepare or
4 amend and shall adopt a plan of conservation and development for the
5 municipality. Following adoption, the commission shall regularly
6 review and maintain such plan. The commission may adopt such
7 geographical, functional or other amendments to the plan or parts of
8 the plan, in accordance with the provisions of this section, as it deems
9 necessary. The commission may, at any time, prepare, amend and
10 adopt plans for the redevelopment and improvement of districts or
11 neighborhoods which, in its judgment, contain special problems or
12 opportunities or show a trend toward lower land values.

13 (2) If a plan is not amended decennially, the chief elected official of
14 the municipality shall submit a letter to the Secretary of the Office of
15 Policy and Management and the Commissioners of Transportation,

16 Environmental Protection and Economic and Community
17 Development that explains why such plan was not amended. Until the
18 plan is amended in accordance with this subsection, a copy of such
19 letter shall be included in each application by the municipality for
20 funding for the conservation or development of real property
21 submitted to said secretary or commissioners.

22 (b) In the preparation of such plan, the commission may appoint
23 one or more special committees to develop and make
24 recommendations for the plan. The membership of any special
25 committee may include: Residents of the municipality and
26 representatives of local boards dealing with zoning, inland wetlands,
27 conservation, recreation, education, public works, finance,
28 redevelopment, general government and other municipal functions. In
29 performing its duties under this section, the commission or any special
30 committee may accept information from any source or solicit input
31 from any organization or individual. The commission or any special
32 committee may hold public informational meetings or organize other
33 activities to inform residents about the process of preparing the plan.

34 (c) In preparing such plan, the commission or any special committee
35 shall consider the following: (1) The community development action
36 plan of the municipality, if any, (2) the need for affordable housing, (3)
37 the need for protection of existing and potential public surface and
38 ground drinking water supplies, (4) the use of cluster development
39 and other development patterns to the extent consistent with soil
40 types, terrain and infrastructure capacity within the municipality, (5)
41 the state plan of conservation and development adopted pursuant to
42 chapter 297, (6) the regional plan of development adopted pursuant to
43 section 8-35a, as amended by this act, (7) physical, social, economic
44 and governmental conditions and trends, (8) the needs of the
45 municipality including, but not limited to, human resources,
46 education, health, housing, recreation, social services, public utilities,
47 public protection, transportation and circulation and cultural and
48 interpersonal communications, and (9) the objectives of energy-

49 efficient patterns of development, the use of solar and other renewable
50 forms of energy and energy conservation.

51 (d) (1) Such plan of conservation and development shall (A) be a
52 statement of policies, goals and standards for the physical and
53 economic development of the municipality, (B) provide for a system of
54 principal thoroughfares, parkways, bridges, streets, sidewalks and
55 other public ways as appropriate, (C) be designed to promote, with the
56 greatest efficiency and economy, the coordinated development of the
57 municipality and the general welfare and prosperity of its people and
58 identify areas where it is feasible and prudent (i) to have compact,
59 transit accessible, pedestrian-oriented mixed use development patterns
60 and land reuse, and (ii) to promote such patterns and reuse, [(C)] (D)
61 recommend the most desirable use of land within the municipality for
62 residential, recreational, commercial, industrial, conservation and
63 other purposes and include a map showing such proposed land uses,
64 [(D)] (E) recommend the most desirable density of population in the
65 several parts of the municipality, [(E)] (F) note any inconsistencies [it
66 may have with the state plan of conservation and development
67 adopted pursuant to chapter 297, (F)] with the following growth
68 management principles: (i) Redevelopment and revitalization of
69 commercial centers and areas of mixed land uses with existing or
70 planned physical infrastructure; (ii) expansion of housing
71 opportunities and design choices to accommodate a variety of
72 household types and needs; (iii) concentration of development around
73 transportation nodes and along major transportation corridors to
74 support the viability of transportation options and land reuse; (iv)
75 conservation and restoration of the natural environment, cultural and
76 historical resources and existing farmlands; (v) protection of
77 environmental assets critical to public health and safety; and (vi)
78 integration of planning across all levels of government to address
79 issues on a local, regional and state-wide basis, (G) make provision for
80 the development of housing opportunities, including opportunities for
81 multifamily dwellings, consistent with soil types, terrain and
82 infrastructure capacity, for all residents of the municipality and the

83 planning region in which the municipality is located, as designated by
84 the Secretary of the Office of Policy and Management under section
85 16a-4a, [(G)] (H) promote housing choice and economic diversity in
86 housing, including housing for both low and moderate income
87 households, and encourage the development of housing which will
88 meet the housing needs identified in the housing plan prepared
89 pursuant to section 8-37t and in the housing component and the other
90 components of the state plan of conservation and development
91 prepared pursuant to chapter 297. In preparing such plan the
92 commission shall consider focusing development and revitalization in
93 areas with existing or planned physical infrastructure.

94 (2) For any municipality that is contiguous to Long Island Sound,
95 such plan shall be (A) consistent with the municipal coastal program
96 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
97 reasonable consideration for restoration and protection of the
98 ecosystem and habitat of Long Island Sound, and (C) designed to
99 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
100 Long Island Sound.

101 (e) Such plan may show the commission's and any special
102 committee's recommendation for (1) conservation and preservation of
103 traprock and other ridgelines, (2) [a system of principal thoroughfares,
104 parkways, bridges, streets and other public ways, (3)] airports, parks,
105 playgrounds and other public grounds, [(4)] (3) the general location,
106 relocation and improvement of schools and other public buildings,
107 [(5)] (4) the general location and extent of public utilities and terminals,
108 whether publicly or privately owned, for water, sewerage, light,
109 power, transit and other purposes, [(6)] (5) the extent and location of
110 public housing projects, [(7)] (6) programs for the implementation of
111 the plan, including (A) a schedule, (B) a budget for public capital
112 projects, (C) a program for enactment and enforcement of zoning and
113 subdivision controls, building and housing codes and safety
114 regulations, (D) plans for implementation of affordable housing, [and]
115 (E) plans for open space acquisition and greenways protection and

116 development, and (F) plans for corridor management areas along
117 limited access highways or rail lines, designated under section 16a-27,
118 as amended by this act, (7) proposed priority funding areas, and (8)
119 any other recommendations as will, in the commission's or any special
120 committee's judgment, be beneficial to the municipality. The plan may
121 include any necessary and related maps, explanatory material,
122 photographs, charts or other pertinent data and information relative to
123 the past, present and future trends of the municipality.

124 (f) A plan of conservation and development or any part thereof or
125 amendment thereto prepared by the commission or any special
126 committee shall be reviewed, and may be amended, by the
127 commission prior to scheduling at least one public hearing on
128 adoption. [At least sixty-five days prior to the public hearing on
129 adoption, the commission shall submit a copy of such plan or part
130 thereof or amendment thereto for review and comment to the
131 legislative body. Such body may hold one or more hearings on the
132 proposed plan and shall submit any comments to the commission
133 prior to the public hearing on adoption. The failure of such body to
134 report prior to or at the public hearing shall be taken as approval of the
135 plan.] At least [sixty-five] thirty-five days prior to the public hearing
136 on adoption, the commission shall post the draft plan on the Internet
137 web site of the municipality, if any, and submit a copy of such draft
138 plan to the regional planning agency for review and comment. The
139 regional planning agency shall [report] submit an advisory report
140 along with its comments to the commission at or before the hearing.
141 [The failure of the regional planning agency to report at or before the
142 hearing shall be taken as approval of the plan. The report of the
143 regional planning agency shall be advisory.] Such comments shall
144 include a finding on the consistency of the draft plan with (1) the
145 regional plan of development, adopted under section 8-35a, as
146 amended by this act, (2) the state plan of conservation and
147 development, adopted pursuant to chapter 297, and (3) the plans of
148 conservation and development of other municipalities in the area of
149 operation of the regional planning agency. The commission may revise

150 the draft plan in accordance with the report of the regional planning
151 agency. The commission may render a decision on the plan without
152 the report of the regional planning agency. Prior to the public hearing
153 on adoption, the commission shall file in the office of the town clerk a
154 copy of such draft plan or part thereof or amendment thereto but, in
155 the case of a district commission, such commission shall file such
156 information in the offices of both the district clerk and the town clerk.
157 The commission shall cause to be published in a newspaper having a
158 general circulation in the municipality, at least twice at intervals of not
159 less than two days, the first not more than fifteen days, or less than ten
160 days, and the last not less than two days prior to the date of each such
161 hearing, notice of the time and place of any such public hearing. Such
162 notice shall make reference to the filing of such draft plan in the office
163 of the town clerk, or both the district clerk and the town clerk, as the
164 case may be. After completion of the public hearing, the commission
165 may revise the draft plan. The proposed final plan shall be submitted
166 to the legislative body for its endorsement. The legislative body shall
167 endorse or reject the entire proposed final plan or parts thereof and
168 may submit comments and recommended changes to the commission.
169 In the case of a municipality in which the legislative body is a town
170 meeting, the proposed final plan shall be submitted to the board of
171 selectmen. The board may conduct a public hearing on such plan. Not
172 more than forty-five days after receipt of the plan by the board of
173 selectmen, the entire proposed final plan or parts thereof may be
174 endorsed or rejected at a town meeting and such town meeting may
175 submit comments and recommended changes to the commission.

176 (g) The commission may adopt the plan or any part thereof or
177 amendment thereto by a single resolution or may, by successive
178 resolutions, adopt parts of the plan and amendments thereto. Any
179 plan, section of a plan or recommendation in the plan, not endorsed by
180 the legislative body of the municipality may be adopted by the
181 commission by a vote of not less than two-thirds of all the members of
182 the commission. Upon adoption by the commission, any plan or part
183 thereof or amendment thereto shall become effective at a time

184 established by the commission, provided notice thereof shall be
185 published in a newspaper having a general circulation in the
186 municipality prior to such effective date. Any plan or part thereof or
187 amendment thereto shall be posted on the Internet web site of the
188 municipality, if any, and shall be filed in the office of the town clerk,
189 except that, if it is a district plan or amendment, it shall be filed in the
190 offices of both the district and town clerks. The commission shall
191 notify the Secretary of the Office of Policy and Management of any
192 inconsistency between the plan adopted by the commission and the
193 state plan of conservation and development and the reasons therefor.

194 [(h) Following adoption of a new plan by the commission, the
195 legislative body of any municipality may hold one or more hearings on
196 the proposed plan and, by resolution, may endorse the plan for the
197 municipality.]

198 (h) Any owner or tenant, or authorized agent of such owner or
199 tenant, of real property or buildings thereon located in the
200 municipality may submit a proposal to the commission requesting a
201 change to the plan of conservation and development. Such proposal
202 shall be submitted in writing and on a form prescribed by the
203 commission. Notwithstanding the provisions of subsection (a) of
204 section 8-7d, the commission shall determine if a public hearing shall
205 be held on the proposal not less than thirty-five days after submission.
206 The commission shall hold a public hearing on such proposal if it
207 determines that (1) such hearing is in the public interest, or (2) a
208 petition was submitted to the commission and signed by twenty per
209 cent of the owners of lots in the area impacted by the proposal or by
210 twenty per cent of the owners of lots abutting such area. Except as
211 provided in this section, any public hearing and decision shall be in
212 accordance with the periods of time permitted under section 8-7d. The
213 commission shall approve, deny or modify the proposal.
214 Notwithstanding the provisions of this section, if the commission
215 determines, at any time after the proposal is received, that such
216 proposal would require changes to the plan of conservation and

217 development that would be a significant change to the policies and
218 goals of the plan of conservation and development, the commission
219 shall consider the proposal in accordance with the provisions of
220 subsection (f) of this section.

221 Sec. 2. Section 8-35a of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective July 1, 2005*):

223 (a) [Each] At least once every ten years, each regional planning
224 agency shall make a plan of development for its area of operation,
225 showing its recommendations for the general use of the area including
226 land use, housing, principal highways and freeways, bridges, airports,
227 parks, playgrounds, recreational areas, schools, public institutions,
228 public utilities and such other matters as, in the opinion of the agency,
229 will be beneficial to the area. Any regional plan so developed shall be
230 based on studies of physical, social, economic and governmental
231 conditions and trends and shall be designed to promote with the
232 greatest efficiency and economy the coordinated development of its
233 area of operation and the general welfare and prosperity of its people.
234 Such plan may encourage energy-efficient patterns of development,
235 the use of solar and other renewable forms of energy, and energy
236 conservation. Such plan shall be designed to promote abatement of the
237 pollution of the waters and air of the region. The regional plan shall
238 identify areas where it is feasible and prudent (1) to have compact,
239 transit accessible, pedestrian-oriented mixed use development patterns
240 and land reuse, and (2) to promote such patterns and reuse and shall
241 note any inconsistencies with the following growth management
242 principles: (A) Redevelopment and revitalization of regional centers
243 and areas of mixed land uses with existing or planned physical
244 infrastructure; (B) expansion of housing opportunities and design
245 choices to accommodate a variety of household types and needs; (C)
246 concentration of development around transportation nodes and along
247 major transportation corridors to support the viability of
248 transportation options and land reuse; (D) conservation and
249 restoration of the natural environment, cultural and historical

250 resources and traditional rural lands; (E) protection of environmental
251 assets critical to public health and safety; and (F) integration of
252 planning across all levels of government to address issues on a local,
253 regional and state-wide basis. The plan of each region contiguous to
254 Long Island Sound shall be designed to reduce hypoxia, pathogens,
255 toxic contaminants and floatable debris in Long Island Sound.

256 (b) Before adopting the regional plan of development or any part
257 thereof or amendment thereto the agency shall hold at least one public
258 hearing thereon, notice of the time, place and subject of which shall be
259 given in writing to the chief executive officer and planning
260 commission, where one exists, of each member town, city or borough,
261 [, and to the Secretary of the Office of Policy and Management, or his
262 designee.] Notice of the time, place and subject of such hearing shall be
263 published once in a newspaper having a substantial circulation in the
264 region. At least sixty-five days before the public hearing the regional
265 planning agency shall post the plan on the Internet web site of the
266 agency, if any, and submit the plan to the Secretary of the Office of
267 Policy and Management for findings in the form of comments and
268 recommendations. Such findings shall include a review of the plan to
269 determine if the proposed regional plan of development is consistent
270 with the state plan of conservation and development. Such notices
271 shall be given not more than twenty days nor less than ten days before
272 such hearing. The regional planning agency shall note on the record
273 any inconsistency with the state plan of conservation and development
274 and the reasons for such inconsistency. Adoption of the plan or part
275 thereof or amendment thereto shall be made by the affirmative vote of
276 not less than a majority of the representatives on the agency. [A] The
277 plan shall be posted on the Internet web site of the agency, if any, and
278 a copy of the plan or of any amendments thereto, signed by the
279 chairman of the agency, shall be transmitted to the chief executive
280 officers, the town, city or borough clerks, as the case may be, and to
281 planning commissions, if any, in member towns, cities or boroughs,
282 and to the Secretary of the Office of Policy and Management, or his
283 designee. The regional planning agency shall notify the Secretary of

284 the Office of Policy and Management of any inconsistency with the
285 state plan of conservation and development and the reasons therefor.

286 (c) The regional planning agency shall revise the plan of
287 development not more than three years after the effective date of this
288 section.

289 (d) The regional planning agency shall assist municipalities within
290 its region and state agencies and may assist other public and private
291 agencies in developing and carrying out any regional plan or plans of
292 such regional planning agency. The regional planning agency may
293 provide administrative, management, technical or planning assistance
294 to municipalities within its region and other public agencies under
295 such terms as it may determine, provided, prior to entering into an
296 agreement for assistance to any municipality or other public agency,
297 the regional planning agency shall have adopted a policy governing
298 such assistance. The regional planning agency may be compensated by
299 the municipality or other public agency with which an agreement for
300 assistance has been made for all or part of the cost of such assistance.

301 Sec. 3. Section 16a-27 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective July 1, 2005*):

303 (a) The secretary, after consultation with all appropriate state,
304 regional and local agencies and other appropriate persons shall prior
305 to March 1, 2003, complete a revision of the existing plan and enlarge it
306 to include, but not be limited to, policies relating to transportation,
307 energy and air. Any revision made after May 15, 1991, shall identify
308 the major transportation proposals, including proposals for mass
309 transit, contained in the master transportation plan prepared pursuant
310 to section 13b-15. Any revision made after July 1, 1995, shall take into
311 consideration the conservation and development of greenways that
312 have been designated by municipalities and shall recommend that
313 state agencies coordinate their efforts to support the development of a
314 state-wide greenways system. The Commissioner of Environmental
315 Protection shall identify state-owned land for inclusion in the plan as

316 potential components of a state greenways system.

317 (b) Any revision made after August 20, 2003, shall take into account
318 (1) economic and community development needs and patterns of
319 commerce, and (2) linkages of affordable housing objectives and land
320 use objectives with transportation systems.

321 (c) Any revision made after March 1, 2006, shall (1) take into
322 consideration risks associated with natural hazards, including, but not
323 limited to, flooding, high winds and wildfires; (2) identify the potential
324 impacts of natural hazards on infrastructure and property; and (3)
325 make recommendations for the siting of future infrastructure and
326 property development to minimize the use of areas prone to natural
327 hazards, including, but not limited to, flooding, high winds and
328 wildfires.

329 (d) Any revision after July 1, 2005, shall describe the progress
330 towards achievement of the goals and objectives established in the
331 previously adopted state plan of conservation and development and
332 shall identify (1) areas where it is prudent and feasible (A) to have
333 compact, transit accessible, pedestrian-oriented mixed-use
334 development patterns and land reuse, and (B) to promote such
335 patterns and reuse, (2) priority funding areas designated under section
336 11 of this act, and (3) corridor management areas on either side of a
337 limited access highway or a rail line. In designating corridor
338 management areas, the secretary shall make recommendations that (A)
339 promote land use and transportation options to reduce the growth of
340 traffic congestion; (B) connect infrastructure and other development
341 decisions; (C) promote development that minimizes the cost of new
342 infrastructure facilities and maximizes the use of existing
343 infrastructure facilities; and (D) increase intermunicipal and regional
344 cooperation.

345 ~~[(d)]~~ (e) Thereafter on or before March first in each revision year the
346 secretary shall complete a revision of the plan of conservation and
347 development.

348 Sec. 4. Section 16a-28 of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective July 1, 2005*):

350 (a) The secretary shall present a draft of the revised plan of
351 conservation and development for preliminary review to the
352 continuing legislative committee on state planning and development
353 prior to September first in 2002 and prior to September first in each
354 prerevision year thereafter.

355 (b) After December first in 1985 and after December first in each
356 prerevision year thereafter the secretary shall proceed with such
357 further revisions of the draft of the revised plan of conservation and
358 development as he deems appropriate. The secretary shall, by
359 whatever means he deems advisable, publish said plan and
360 disseminate it to the public on or before March first in revision years.
361 The secretary shall post the plan on the Internet web site of the state.

362 (c) Within five months of publication of said revised plan the
363 secretary shall hold public hearings, in cooperation with regional
364 planning agencies, to solicit comments on said plan.

365 Sec. 5. Section 16a-30 of the general statutes is repealed and the
366 following is substituted in lieu thereof (*Effective July 1, 2005*):

367 (a) The continuing legislative committee on state planning and
368 development shall within thirty-five days of the convening of the next
369 regularly scheduled session of the General Assembly and after public
370 hearing submit the plan with its recommendation for approval or
371 disapproval to the General Assembly. The plan shall become effective
372 when adopted by the General Assembly as the plan of conservation
373 and development for the state. After adoption, the secretary shall post
374 the plan on the Internet web site of the state.

375 (b) In the event that the General Assembly disapproves the plan in
376 whole or in part the plan shall be deemed to be rejected and shall be
377 returned to the committee for appropriate action.

378 (c) Any project included in the first or second phase of UConn 2000,
379 as defined in subdivision (25) of section 10a-109c, shall constitute part
380 of the state plan of conservation and development approved by the
381 General Assembly.

382 Sec. 6. Subsection (a) of section 8-2 of the general statutes is repealed
383 and the following is substituted in lieu thereof (*Effective July 1, 2005*):

384 (a) The zoning commission of each city, town or borough is
385 authorized to regulate, within the limits of such municipality, the
386 height, number of stories and size of buildings and other structures;
387 the percentage of the area of the lot that may be occupied; the size of
388 yards, courts and other open spaces; the density of population and the
389 location and use of buildings, structures and land for trade, industry,
390 residence or other purposes, including water-dependent uses, as
391 defined in section 22a-93, and the height, size and location of
392 advertising signs and billboards. Such bulk regulations may allow for
393 cluster development, as defined in section 8-18. Such zoning
394 commission may divide the municipality into districts of such number,
395 shape and area as may be best suited to carry out the purposes of this
396 chapter; and, within such districts, it may regulate the erection,
397 construction, reconstruction, alteration or use of buildings or
398 structures and the use of land. All such regulations shall be uniform
399 for each class or kind of buildings, structures or use of land throughout
400 each district, but the regulations in one district may differ from those
401 in another district, and may provide that certain classes or kinds of
402 buildings, structures or uses of land are permitted only after obtaining
403 a special permit or special exception from a zoning commission,
404 planning commission, combined planning and zoning commission or
405 zoning board of appeals, whichever commission or board the
406 regulations may, notwithstanding any special act to the contrary,
407 designate, subject to standards set forth in the regulations and to
408 conditions necessary to protect the public health, safety, convenience
409 and property values. Such regulations shall be made in accordance
410 with a comprehensive plan and in adopting such regulations the

411 commission shall consider the plan of conservation and development
412 prepared under section 8-23, as amended by this act, and on and after
413 July 1, 2011, the zoning regulations and map shall be made to be
414 consistent with the map of such plan showing proposed land uses and
415 the recommendations of such plan concerning zoning. Such
416 regulations shall be designed to lessen congestion in the streets; to
417 secure safety from fire, panic, flood and other dangers; to promote
418 health and the general welfare; to provide adequate light and air; to
419 prevent the overcrowding of land; to avoid undue concentration of
420 population and to facilitate the adequate provision for transportation,
421 water, sewerage, schools, parks and other public requirements. Such
422 regulations shall be made with reasonable consideration as to the
423 character of the district and its peculiar suitability for particular uses
424 and with a view to conserving the value of buildings and encouraging
425 the most appropriate use of land throughout such municipality. Such
426 regulations may, to the extent consistent with soil types, terrain,
427 infrastructure capacity and the plan of conservation and development
428 for the community, provide for cluster development, as defined in
429 section 8-18, in residential zones. Such regulations shall also encourage
430 the development of housing opportunities, including opportunities for
431 multifamily dwellings, consistent with soil types, terrain and
432 infrastructure capacity, for all residents of the municipality and the
433 planning region in which the municipality is located, as designated by
434 the Secretary of the Office of Policy and Management under section
435 16a-4a. Such regulations shall also promote housing choice and
436 economic diversity in housing, including housing for both low and
437 moderate income households, and shall encourage the development of
438 housing which will meet the housing needs identified in the housing
439 plan prepared pursuant to section 8-37t and in the housing component
440 and the other components of the state plan of conservation and
441 development prepared pursuant to section 16a-26. Zoning regulations
442 shall be made with reasonable consideration for their impact on
443 agriculture. Zoning regulations may be made with reasonable
444 consideration for the protection of historic factors and shall be made

445 with reasonable consideration for the protection of existing and
446 potential public surface and ground drinking water supplies. On and
447 after July 1, 1985, the regulations shall provide that proper provision
448 be made for soil erosion and sediment control pursuant to section 22a-
449 329. Such regulations may also encourage energy-efficient patterns of
450 development, the use of solar and other renewable forms of energy,
451 and energy conservation. The regulations may also provide for
452 incentives for developers who use passive solar energy techniques, as
453 defined in subsection (b) of section 8-25, as amended by this act, in
454 planning a residential subdivision development. The incentives may
455 include, but not be limited to, cluster development, higher density
456 development and performance standards for roads, sidewalks and
457 underground facilities in the subdivision. Such regulations may
458 provide for a municipal system for the creation of development rights
459 and the permanent transfer of such development rights, which may
460 include a system for the variance of density limits in connection with
461 any such transfer. Such regulations may also provide for notice
462 requirements in addition to those required by this chapter. Such
463 regulations may provide for conditions on operations to collect spring
464 water or well water, as defined in section 21a-150, including the time,
465 place and manner of such operations. No such regulations shall
466 prohibit the operation of any family day care home or group day care
467 home in a residential zone. Such regulations shall not impose
468 conditions and requirements on manufactured homes having as their
469 narrowest dimension twenty-two feet or more and built in accordance
470 with federal manufactured home construction and safety standards or
471 on lots containing such manufactured homes which are substantially
472 different from conditions and requirements imposed on single-family
473 dwellings and lots containing single-family dwellings. Such
474 regulations shall not impose conditions and requirements on
475 developments to be occupied by manufactured homes having as their
476 narrowest dimension twenty-two feet or more and built in accordance
477 with federal manufactured home construction and safety standards
478 which are substantially different from conditions and requirements

479 imposed on multifamily dwellings, lots containing multifamily
480 dwellings, cluster developments or planned unit developments. Such
481 regulations shall not prohibit the continuance of any nonconforming
482 use, building or structure existing at the time of the adoption of such
483 regulations. Such regulations shall not provide for the termination of
484 any nonconforming use solely as a result of nonuse for a specified
485 period of time without regard to the intent of the property owner to
486 maintain that use. Any city, town or borough which adopts the
487 provisions of this chapter may, by vote of its legislative body, exempt
488 municipal property from the regulations prescribed by the zoning
489 commission of such city, town or borough; but unless it is so voted
490 municipal property shall be subject to such regulations.

491 Sec. 7. (NEW) (*Effective from passage*) (a) On and after July 1, 2011, a
492 zoning commission or combined planning and zoning commission
493 shall not approve a petition requesting a change in the zoning
494 regulations or boundaries of zoning district unless the planning
495 commission or combined planning and zoning commission determines
496 that such change is consistent with the plan of conservation and
497 development adopted by the municipality under section 8-23 of the
498 general statutes, as amended by this act, except as provided in
499 subdivision (3) of subsection (b) of this section and subdivision (3) of
500 subsection (c) of this section.

501 (b) (1) In the case of a petition to a zoning commission requesting a
502 change in the zoning regulations or boundaries, such zoning
503 commission, not more than thirty-five days after receiving the petition,
504 shall submit the petition to the planning commission for a
505 determination of consistency with the plan of conservation and
506 development. Not more than thirty-five days after receipt of the
507 petition, the planning commission shall make a determination on
508 consistency of the petition with the plan and shall notify the zoning
509 commission of such determination not more than thirty-five days
510 thereafter. If the planning commission determines the petition is not
511 consistent with the plan of conservation and development, the

512 planning commission shall prepare an amendment to the plan that
513 would enable the planning commission to determine the petition to be
514 consistent with the amendment. Not more than thirty-five days after
515 such determination, the amendment shall be prepared and submitted
516 to the regional planning agency for review and comment in accordance
517 with subsection (f) of section 8-23 of the general statutes, as amended
518 by this act. If either the zoning commission or planning commission
519 finds that a public hearing is in the public interest or a petition was
520 submitted to the planning commission and signed by twenty per cent
521 of the residents in the area impacted by the proposal or by twenty per
522 cent of the owners of lots abutting such area, then the planning
523 commission and the zoning commission shall jointly conduct a public
524 hearing on the amendments not more than thirty-five days after
525 making the finding or receiving the petition. If a public hearing is held
526 under this subsection, the zoning commission shall not be required to
527 hold a public hearing on the petition under section 8-3 of the general
528 statutes, as amended by this act. Except as provided in this section, any
529 public hearing and decision shall be in accordance with the periods of
530 time permitted under section 8-7d of the general statutes, as amended,
531 except that a decision shall be rendered by the planning commission
532 within thirty-five days of completion of the hearing and the planning
533 commission shall notify the zoning commission of its decision not
534 more than thirty-five days thereafter. Notwithstanding the provisions
535 of this subsection, if the planning commission and the zoning
536 commission jointly determine, at any time after the petition is received,
537 that such petition would require changes to the plan of conservation
538 and development that would be a significant change to the policies
539 and goals of the plan of conservation and development, such planning
540 commission shall consider the proposal in accordance with the
541 provisions of subsection (f) of section 8-23 of the general statutes, as
542 amended by this act.

543 (2) The planning commission may approve, deny or modify the
544 amendment. If the planning commission approves or modifies the
545 amendment, not less than thirty-five days after notification of such

546 action, the zoning commission shall determine that the petition to
547 change the zoning regulations or the boundaries of zoning districts is
548 consistent with the plan and may approve such petition. If the
549 planning commission denies the amendment to the plan of
550 conservation and development, the zoning commission shall reject the
551 petition to change the zoning regulations or the boundaries of zoning
552 districts. In any appeal of a decision made under this subdivision, the
553 provisions of this subdivision shall not affect the power of the Superior
554 Court in an appropriate case (A) to order a zoning commission to
555 change the zoning regulations and boundaries notwithstanding denial
556 of the amendment by the planning commission, or (B) to order a
557 planning commission to amend the plan of conservation and
558 development to be consistent with zoning regulations and boundaries.

559 (c) (1) In the case of a petition to a combined planning and zoning
560 commission requesting a change in the zoning regulations or
561 boundaries, such commission, not more than thirty-five days after
562 receiving such petition, shall make a determination on consistency of
563 the petition with the plan of conservation and development. If the
564 commission determines the petition is not consistent with the petition
565 of conservation and development, the commission shall prepare an
566 amendment to the plan that would enable the commission to
567 determine the plan to be consistent with the amendment. Not more
568 than thirty-five days after such determination, the amendment shall be
569 prepared and submitted to the regional planning agency for review
570 and comment in accordance with subsection (f) of section 8-23 of the
571 general statutes, as amended by this act. If the commission (A) finds
572 that a public hearing is in the public interest, or (B) a petition was
573 submitted to the commission and signed by twenty per cent of the
574 residents in the area impacted by the proposal or by twenty per cent of
575 the owners of lots abutting such area, then the commission shall
576 conduct a public hearing on the amendment not more than thirty-five
577 days after making the finding or receiving the commission. If a public
578 hearing is held under this subsection, the commission shall not be
579 required to hold a public hearing on the petition under section 8-3 of

580 the general statutes, as amended by this act. Notwithstanding the
581 provisions of this subsection, if the commission determines, at any
582 time after the petition is received, that such petition would require
583 changes to the plan of conservation and development that would be a
584 significant change to the policies and goals of the plan of conservation
585 and development, such commission shall consider the proposal in
586 accordance with the provisions of subsection (f) of section 8-23 of the
587 general statutes, as amended by this act. Except as provided in this
588 section, any public hearing and decision shall be in accordance with
589 the periods of time permitted under section 8-7d of the general
590 statutes, except that a decision shall be rendered by the commission
591 not more than thirty-five days after completion of the public hearing.

592 (2) The planning and zoning commission may approve, deny or
593 modify the amendment. If the commission approves or modifies the
594 amendment it shall determine that the petition to change the zoning
595 regulations or the boundaries of zoning districts is consistent with the
596 plan and may approve such petition. If the commission denies the
597 amendment to the plan, the planning and zoning commission shall
598 reject the petition requesting a change to the regulations or boundaries
599 of zoning districts. In any appeal of a decision made under this
600 subdivision, the provisions of this subdivision shall not affect the
601 power of the Superior Court in an appropriate case to order a planning
602 and zoning commission (A) to change the zoning regulations and
603 boundaries notwithstanding denial of the amendment by the planning
604 commission, or (B) to amend the plan of conservation and
605 development to be consistent with zoning regulations and boundaries.

606 Sec. 8. Subsection (b) of section 8-3 of the general statutes is repealed
607 and the following is substituted in lieu thereof (*Effective from passage*):

608 (b) Such regulations and boundaries shall be established, changed
609 or repealed only by a majority vote of all the members of the zoning
610 commission, except as otherwise provided in this chapter. [In] On or
611 before July 1, 2011, in making its decision the commission shall take

612 into consideration the plan of conservation and development,
613 prepared pursuant to section 8-23, as amended by this act, and shall
614 state on the record its findings on consistency of the proposed
615 establishment, change or repeal of such regulations and boundaries
616 with such plan. If a protest against a proposed change is filed at or
617 before a hearing with the zoning commission, signed by the owners of
618 twenty per cent or more of the area of the lots included in such
619 proposed change or of the lots within five hundred feet in all
620 directions of the property included in the proposed change, such
621 change shall not be adopted except by a vote of two-thirds of all the
622 members of the commission.

623 Sec. 9. Section 8-25 of the general statutes is repealed and the
624 following is substituted in lieu thereof (*Effective from passage*):

625 (a) No subdivision of land shall be made until a plan for such
626 subdivision has been approved by the commission. Any person, firm
627 or corporation making any subdivision of land without the approval of
628 the commission shall be fined not more than five hundred dollars for
629 each lot sold or offered for sale or so subdivided. Any plan for
630 subdivision shall, upon approval, or when taken as approved by
631 reason of the failure of the commission to act, be filed or recorded by
632 the applicant in the office of the town clerk within ninety days of the
633 expiration of the appeal period under section 8-8, or in the case of an
634 appeal, within ninety days of the termination of such appeal by
635 dismissal, withdrawal or judgment in favor of the applicant but, if it is
636 a plan for subdivision wholly or partially within a district, it shall be
637 filed in the offices of both the district clerk and the town clerk, and any
638 plan not so filed or recorded within the prescribed time shall become
639 null and void, except that the commission may extend the time for
640 such filing for two additional periods of ninety days and the plan shall
641 remain valid until the expiration of such extended time. All such plans
642 shall be delivered to the applicant for filing or recording not more than
643 thirty days after the time for taking an appeal from the action of the
644 commission has elapsed or not more than thirty days after the date

645 that plans modified in accordance with the commission's approval and
646 that comply with section 7-31 are delivered to the commission,
647 whichever is later, and in the event of an appeal, not more than thirty
648 days after the termination of such appeal by dismissal, withdrawal or
649 judgment in favor of the applicant or not more than thirty days after
650 the date that plans modified in accordance with the commission's
651 approval and that comply with section 7-31 are delivered to the
652 commission, whichever is later. No such plan shall be recorded or filed
653 by the town clerk or district clerk or other officer authorized to record
654 or file plans until its approval has been endorsed thereon by the
655 chairman or secretary of the commission, and the filing or recording of
656 a subdivision plan without such approval shall be void. Before
657 exercising the powers granted in this section, the commission shall
658 adopt regulations covering the subdivision of land. No such
659 regulations shall become effective until after a public hearing held in
660 accordance with the provisions of section 8-7d. Such regulations shall
661 provide that the land to be subdivided shall be of such character that it
662 can be used for building purposes without danger to health or the
663 public safety, that proper provision shall be made for water, sewerage
664 and drainage, including the upgrading of any downstream ditch,
665 culvert or other drainage structure which, through the introduction of
666 additional drainage due to such subdivision, becomes undersized and
667 creates the potential for flooding on a state highway, and, in areas
668 contiguous to brooks, rivers or other bodies of water subject to
669 flooding, including tidal flooding, that proper provision shall be made
670 for protective flood control measures and that the proposed streets are
671 in harmony with existing or proposed principal thoroughfares shown
672 in the plan of conservation and development as described in section
673 8-23, as amended by this act, especially in regard to safe intersections
674 with such thoroughfares, and so arranged and of such width, as to
675 provide an adequate and convenient system for present and
676 prospective traffic needs. Such regulations shall also provide that the
677 commission may require the provision of open spaces, parks and
678 playgrounds when, and in places, deemed proper by the planning

679 commission, which open spaces, parks and playgrounds shall be
680 shown on the subdivision plan. Such regulations may, with the
681 approval of the commission, authorize the applicant to pay a fee to the
682 municipality or pay a fee to the municipality and transfer land to the
683 municipality in lieu of any requirement to provide open spaces. Such
684 payment or combination of payment and the fair market value of land
685 transferred shall be equal to not more than ten per cent of the fair
686 market value of the land to be subdivided prior to the approval of the
687 subdivision. The fair market value shall be determined by an appraiser
688 jointly selected by the commission and the applicant. A fraction of
689 such payment the numerator of which is one and the denominator of
690 which is the number of approved parcels in the subdivision shall be
691 made at the time of the sale of each approved parcel of land in the
692 subdivision and placed in a fund in accordance with the provisions of
693 section 8-25b. The open space requirements of this section shall not
694 apply if the transfer of all land in a subdivision of less than five parcels
695 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
696 uncle or first cousin for no consideration, or if the subdivision is to
697 contain affordable housing, as defined in section 8-39a, equal to twenty
698 per cent or more of the total housing to be constructed in such
699 subdivision. Such regulations, on and after July 1, 1985, shall provide
700 that proper provision be made for soil erosion and sediment control
701 pursuant to section 22a-329. Such regulations shall not impose
702 conditions and requirements on manufactured homes having as their
703 narrowest dimension twenty-two feet or more and built in accordance
704 with federal manufactured home construction and safety standards or
705 on lots containing such manufactured homes which are substantially
706 different from conditions and requirements imposed on single-family
707 dwellings and lots containing single-family dwellings. Such
708 regulations shall not impose conditions and requirements on
709 developments to be occupied by manufactured homes having as their
710 narrowest dimension twenty-two feet or more and built in accordance
711 with federal manufactured home construction and safety standards
712 which are substantially different from conditions and requirements

713 imposed on multifamily dwellings, lots containing multifamily
714 dwellings, cluster developments or planned unit developments. The
715 commission may also prescribe the extent to which and the manner in
716 which streets shall be graded and improved and public utilities and
717 services provided and, in lieu of the completion of such work and
718 installations previous to the final approval of a plan, the commission
719 may accept a bond in an amount and with surety and conditions
720 satisfactory to it securing to the municipality the actual construction,
721 maintenance and installation of such improvements and utilities
722 within a period specified in the bond. Such regulations may provide,
723 in lieu of the completion of the work and installations above referred
724 to, previous to the final approval of a plan, for an assessment or other
725 method whereby the municipality is put in an assured position to do
726 such work and make such installations at the expense of the owners of
727 the property within the subdivision. Such regulations may provide
728 that in lieu of either the completion of the work or the furnishing of a
729 bond as provided in this section, the commission may authorize the
730 filing of a plan with a conditional approval endorsed thereon. Such
731 approval shall be conditioned on (1) the actual construction,
732 maintenance and installation of any improvements or utilities
733 prescribed by the commission, or (2) the provision of a bond as
734 provided in this section. Upon the occurrence of either of such events,
735 the commission shall cause a final approval to be endorsed thereon in
736 the manner provided by this section. Any such conditional approval
737 shall lapse five years from the date it is granted, provided the
738 applicant may apply for and the commission may, in its discretion,
739 grant a renewal of such conditional approval for an additional period
740 of five years at the end of any five-year period, except that the
741 commission may, by regulation, provide for a shorter period of
742 conditional approval or renewal of such approval. Any person, firm or
743 corporation who, prior to such final approval, sells or offers for sale
744 any lot subdivided pursuant to a conditional approval shall be fined
745 not more than five hundred dollars for each lot sold or offered for sale.

746 (b) The regulations adopted under subsection (a) of this section shall

747 also encourage energy-efficient patterns of development and land use,
 748 the use of solar and other renewable forms of energy, and energy
 749 conservation. The regulations shall require any person submitting a
 750 plan for a subdivision to the commission under subsection (a) of this
 751 section to demonstrate to the commission that such person has
 752 considered, in developing the plan, using passive solar energy
 753 techniques which would not significantly increase the cost of the
 754 housing to the buyer, after tax credits, subsidies and exemptions. As
 755 used in this subsection and section 8-2, passive solar energy techniques
 756 mean site design techniques which maximize solar heat gain, minimize
 757 heat loss and provide thermal storage within a building during the
 758 heating season and minimize heat gain and provide for natural
 759 ventilation during the cooling season. The site design techniques shall
 760 include, but not be limited to: (1) House orientation; (2) street and lot
 761 layout; (3) vegetation; (4) natural and man-made topographical
 762 features; and (5) protection of solar access within the development.

763 (c) The regulations adopted under subsection (a) of this section,
 764 may, to the extent consistent with soil types, terrain, infrastructure
 765 capacity and the plan of development for the community, provide for
 766 cluster development, and may provide for incentives for cluster
 767 development such as density bonuses, or may require cluster
 768 development.

769 (d) On and after July 1, 2011, the regulations shall be reviewed, and
 770 revised, if needed, to be consistent with a map of the municipal plan of
 771 conservation and development, adopted under section 8-23, as
 772 amended by this act, showing proposed land uses and the
 773 recommendations of such plan concerning subdivisions.

774 Sec. 10. Section 8-26 of the general statutes is repealed and the
 775 following is substituted in lieu thereof (*Effective from passage*):

776 All plans for subdivisions and resubdivisions, including
 777 subdivisions and resubdivisions in existence but which were not
 778 submitted to the commission for required approval, whether or not

779 shown on an existing map or plan or whether or not conveyances have
780 been made of any of the property included in such subdivisions or
781 resubdivisions, shall be submitted to the commission with an
782 application in the form to be prescribed by it. The commission shall
783 have the authority to determine whether the existing division of any
784 land constitutes a subdivision or resubdivision under the provisions of
785 this chapter, provided nothing in this section shall be deemed to
786 authorize the commission to approve any such subdivision or
787 resubdivision which conflicts with applicable zoning regulations. Such
788 regulations may contain provisions whereby the commission may
789 waive certain requirements under the regulations by a three-quarters
790 vote of all the members of the commission in cases where conditions
791 exist which affect the subject land and are not generally applicable to
792 other land in the area, provided that the regulations shall specify the
793 conditions under which a waiver may be considered and shall provide
794 that no waiver shall be granted that would have a significant adverse
795 effect on adjacent property or on public health and safety. The
796 commission shall state upon its records the reasons for which a waiver
797 is granted in each case. The commission may establish a schedule of
798 fees and charge such fees. The amount of the fees shall be sufficient to
799 cover the costs of processing subdivision applications, including, but
800 not limited to, the cost of registered or certified mailings and the
801 publication of notices, and the costs of inspecting subdivision
802 improvements. Any schedule of fees established under this section
803 shall be superseded by fees established by ordinance under section 8-
804 1c. [The commission may hold a public hearing regarding any
805 subdivision proposal if, in its judgment, the specific circumstances
806 require such action. No plan of resubdivision shall be acted upon by
807 the commission without a public hearing.] The commission shall
808 conduct a public hearing on a subdivision or resubdivision if a petition
809 is submitted to the commission signed by twenty per cent of the
810 owners of lots included in such proposed subdivision or resubdivision
811 or twenty per cent of the owners of the lots within three hundred feet
812 in all directions of the property included in the proposed subdivision

813 or resubdivision. Such public hearing shall be held in accordance with
814 the provisions of section 8-7d. The commission shall approve, modify
815 and approve, or disapprove any subdivision or resubdivision
816 application or maps and plans submitted therewith, including existing
817 subdivisions or resubdivisions made in violation of this section, within
818 the period of time permitted under section 8-26d. Notice of the
819 decision of the commission shall be published in a newspaper having a
820 substantial circulation in the municipality and addressed by certified
821 mail to any person applying to the commission under this section, by
822 its secretary or clerk, under his signature in any written, printed,
823 typewritten or stamped form, within fifteen days after such decision
824 has been rendered. In any case in which such notice is not published
825 within such fifteen-day period, the person who made such application
826 may provide for the publication of such notice within ten days
827 thereafter. Such notice shall be a simple statement that such
828 application was approved, modified and approved or disapproved,
829 together with the date of such action. The failure of the commission to
830 act thereon shall be considered as an approval, and a certificate to that
831 effect shall be issued by the commission on demand. The grounds for
832 its action shall be stated in the records of the commission. No planning
833 commission shall be required to consider an application for approval
834 of a subdivision plan while another application for subdivision of the
835 same or substantially the same parcel is pending before the
836 commission. For the purposes of this section, an application is not
837 "pending before the commission" if the commission has rendered a
838 decision with respect to such application and such decision has been
839 appealed to the Superior Court. If an application involves land
840 regulated as an inland wetland or watercourse under the provisions of
841 chapter 440, the applicant shall submit an application to the agency
842 responsible for administration of the inland wetlands regulations no
843 later than the day the application is filed for the subdivision or
844 resubdivision. The commission shall not render a decision until the
845 inland wetlands agency has submitted a report with its final decision
846 to such commission. In making its decision the commission shall give

847 due consideration to the report of the inland wetlands agency. In
848 making a decision on an application, the commission shall consider
849 information submitted by the applicant under subsection (b) of section
850 8-25, as amended by this act, concerning passive solar energy
851 techniques. The provisions of this section shall apply to any
852 municipality which exercises planning power pursuant to any special
853 act.

854 Sec. 11. (NEW) (*Effective July 1, 2005*) (a) As used in this section:

855 (1) "Funding" includes any form of assurance, guarantee, grant
856 payment, credit, tax credit or other assistance, including a loan, loan
857 guarantee, or reduction in the principal obligation of or rate of interest
858 payable on a loan or a portion of a loan;

859 (2) "Growth-related project" means any project which includes (A)
860 the acquisition of real property when the acquisition costs are in excess
861 of one hundred thousand dollars, except the acquisition of open space
862 for the purposes of conservation or preservation; (B) the development
863 or improvement of real property when the development costs are in
864 excess of one hundred thousand dollars; (C) the acquisition of public
865 transportation equipment or facilities when the acquisition costs are in
866 excess of one hundred thousand dollars; or (D) the authorization of
867 each state grant, any application for which is not pending on July 1,
868 2006, for an amount in excess of one hundred thousand dollars, for the
869 acquisition or development or improvement of real property or for the
870 acquisition of public transportation equipment or facilities, except the
871 following: (i) Projects for maintenance, repair, additions or renovations
872 to existing facilities, acquisition of land for telecommunications towers
873 whose primary purpose is public safety, parks, conservation and open
874 space, and acquisition of agricultural, conservation and historic
875 easements; (ii) funding by the Department of Economic and
876 Community Development for any project financed with federal funds
877 used to purchase or rehabilitate existing single or multi-family housing
878 or projects financed with the proceeds of revenue bonds if the

879 Commissioner of Economic and Community Development determines
880 that application of this section and sections 13 and 14 of this act (I)
881 conflicts with any provision of federal or state law applicable to the
882 issuance or tax-exempt status of the bonds or any provision of any
883 trust agreement between the Department of Economic and
884 Community Development and any trustee, or (II) would otherwise
885 prohibit financing of an existing project or financing provided to cure
886 or prevent any default under existing financing; (iii) projects that the
887 Commissioner of Economic and Community Development determines
888 promote fair housing choice and racial and economic integration as
889 described in section 8-37cc of the general statutes; (iv) projects at an
890 existing facility needed to comply with state environmental or health;
891 (v) school construction projects funded by the Department of
892 Education under chapter 173 of the general statute; and (vi) any other
893 project, funding or other state assistance not included under
894 subparagraphs (A) to (D), inclusive, of this subdivision.

895 (3) "Priority funding area" means the area of the state designated
896 under subsection (b) of this section.

897 (b) The Secretary of the Office of Policy and Management, in
898 consultation with the Commissioners of Economic and Community
899 Development, Environmental Protection, Administrative Services and
900 Transportation shall develop recommendations for delineation of the
901 boundaries of priority funding areas in the state and for revisions
902 thereafter. In making such recommendations the secretary shall
903 consider areas designated as regional centers, growth areas,
904 neighborhood conservation areas and rural community centers on the
905 state plan of conservation and development, redevelopment areas,
906 distressed municipalities, as defined in section 32-9p of the general
907 statutes; targeted investment communities, as defined in section 32-222
908 of the general statutes; public investment communities, as defined in
909 section 7-545 of the general statutes, enterprise zones, designated by
910 the Commissioner of Economic and Community Development under
911 section 32-70 of the general statutes and corridor management areas

912 identified in the state plan of conservation and development. The
913 secretary shall submit the recommendations to the Continuing
914 Legislative Committee on State Planning and Development established
915 pursuant to section 4-60d of the general statutes for review when the
916 state plan of conservation and development is submitted to such
917 committee in accordance with section 16a-29 of the general statutes.
918 The committee shall report its recommendations to the General
919 Assembly at the time said state plan is submitted to the General
920 Assembly under section 16a-30 of the general statutes, as amended by
921 this act. The boundaries shall become effective upon approval of the
922 General Assembly.

923 Sec. 12. (NEW) (*Effective July 1, 2005*) (a) On and after the approval
924 of the General Assembly of the boundaries of priority funding areas
925 under section 11 of this act, no state agency, department or institution
926 shall provide funding for a growth-related project unless such project
927 is located in a priority funding area.

928 (b) Notwithstanding the provisions of subsection (a) of this section,
929 the head of a state department, agency or institution, with the approval
930 of the Secretary of the Office of Policy and Management, may provide
931 funding for a growth-related project that is not located in a priority
932 funding area upon determination that such project is consistent with
933 the plan of conservation and development, adopted under section 8-23
934 of the general statutes, as amended by this act, of the municipality in
935 which such project is located and that such project (1) enhances other
936 activities targeted by state agencies, departments and institutions to a
937 municipality within the priority funding area, (2) is located in a
938 distressed municipality, as defined in section 32-9 of the general
939 statutes, targeted investment community, as defined in section 32-222
940 of the general statutes, or public investment community, as defined in
941 section 7-545 of the general statutes, (3) supports existing
942 neighborhoods or communities, (4) promotes the use of mass transit,
943 (5) provides for compact, transit accessible, pedestrian-oriented mixed
944 use development patterns and land reuse and promotes such patterns

945 and reuse, (6) creates an extreme inequity, hardship or disadvantage
946 that clearly outweighs the benefits of locating the project in a priority
947 funding area if such project were not funded, (7) has no reasonable
948 alternative for the project in a priority funding area in another location,
949 (8) must be located away from other developments due to its operation
950 or physical characteristics, or (9) is for the reuse or redevelopment of
951 an existing site.

952 (c) Not more than one year after the designation of priority funding
953 areas, and annually thereafter, each department, agency or institution
954 shall prepare a report that describes grants made under subsection (b)
955 of this section and the reasons therefor.

956 Sec. 13. (*Effective July 1, 2005*) On and after the approval of the
957 General Assembly of the boundaries of priority funding areas
958 pursuant to section 11 of this act, each state agency, department or
959 institution shall cooperate with municipalities to ensure that programs
960 and activities in rural areas sustain village character.

961 Sec. 14. (NEW) (*Effective July 1, 2005*) On and after the approval of
962 the General Assembly of the boundaries of priority funding areas
963 under section 11 of this act, each state agency and department shall
964 review regulations adopted in accordance with the provisions of
965 chapter 54 of the general statutes and modify such regulations to carry
966 out the purpose of coordinated management of growth-related projects
967 in priority funding areas.

968 Sec. 15. (NEW) (*Effective July 1, 2005*) The Office of Policy and
969 Management, within available appropriations, shall coordinate review
970 of federal projects in relation to their location in priority funding areas
971 to encourage location in urban areas pursuant to the provisions of
972 Federal Executive Order 12072-Federal Space Management.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2005</i>	8-23
Sec. 2	<i>July 1, 2005</i>	8-35a
Sec. 3	<i>July 1, 2005</i>	16a-27
Sec. 4	<i>July 1, 2005</i>	16a-28
Sec. 5	<i>July 1, 2005</i>	16a-30
Sec. 6	<i>July 1, 2005</i>	8-2(a)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	8-3(b)
Sec. 9	<i>from passage</i>	8-25
Sec. 10	<i>from passage</i>	8-26
Sec. 11	<i>July 1, 2005</i>	New section
Sec. 12	<i>July 1, 2005</i>	New section
Sec. 13	<i>July 1, 2005</i>	New section
Sec. 14	<i>July 1, 2005</i>	New section
Sec. 15	<i>July 1, 2005</i>	New section

Statement of Purpose:

To promote consistency in state, regional and municipal plans of conservation and development and to provide for priority funding areas and for corridor management areas along limited access highways and rail lines.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]